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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,118	12/17/2001	Reinhard Meindl	AT 000071	2429

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EXAMINER

DESIR, PIERRE LOUIS

ART UNIT	PAPER NUMBER
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2681

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DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,118

Applicant(s)

MEINDL ET AL.

Examiner

Pierre-Louis Desir

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/17/01
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/17/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: "detachably connection" should be "detachably connected" (page 10, line 8). Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Benson, European Patent No. 0785634 (cited by the applicant).

Referring to claim 1 and 2, Benson discloses a processing device (figs. 1-4) for the processing of an information signal, the device having a housing

(see col. 8, line 8 and col. 9, line 14) and having first communication means for receiving and/or transmitting the information signal (i.e. antenna and telephone IC and wirings) (see fig. 1,3-7, and 8), and having processing means for the processing of the information signal received and/or to be transmitted (i.e. processing first audio information and apply loud speaker signal to a loudspeaker of the mobile), and having second communication means for the contactless retrieval of control information stored in a data carrier (i.e. plurality of SIM card holders together with connection leads and telephone IC) which is detachably connected to the housing of the processing device in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information (i.e. processing first audio information and apply loud speaker signal to a loudspeaker of the mobile) (see col. 5, lines 47-50 and col. 10, lines 7-8).

Referring to claim 2, Benson further discloses, in figure 8, that a processing device, in which the detachable connection of the data carrier to the housing of the processing device is formed by an adhesive joint (i.e. adhere to the back of the housing) (see col. 7, lines 31-40).

Referring to claim 5, Benson discloses a processing device in which the processing device takes the form of a mobile telephone whose first communication means are adapted to receive and to transmit a telephone signal (i.e. antenna and telephone IC) and whose processing means are adapted to process the telephone signal received and to be transmitted

(i.e. processing first audio information and apply loud speaker signal to a loudspeaker of the mobile), and in which the control information retrieved from the detachably connected data carrier by the second communication means identifies a telephone number of the user of the mobile telephone and/or includes calling credit information (i.e. plurality of SIM card holders together with connection leads and telephone IC) (see figure 1,3-7, and 8, col. 6, lines 57-60 and see col. 7, lines 1-5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C 103(a) as being unpatentable over Benson (European Patent No. 0785634) in view of Amtmann et al. (Amtmann) (cited by applicant).

Benson teaches the claimed invention, i.e., a processing device for the processing of an information signal, the device having a housing and having first communication means for receiving and/or transmitting the information signal, and having processing means for the processing of the

information signal received and/or to be transmitted, and having second communication means for the contactless retrieval of control information stored in a data carrier (Subscriber Identification Module) which is detachably connected to the housing of the processing device in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information (figs. 1-4, col. 5, lines 47-50 and col. 10, lines 7-8 and col. 8, line 8 and col. 9, line 14).

Although Benson teaches a processing device and the characteristics mentioned above, Benson does not specifically teach of a processing device where the second communication means are adapted to generate high frequency signal, which can be utilized by the data carrier to produce supply voltage.

However, Amtmann discloses that it is very well known within the art of mobile communication, to have a processing device where its transmission and receiving characteristics are arranged so they can produce modulated carrier signal (high frequency signal), and such modulated carrier signal generated by the processing device can be used by the smart card (data card) to generate an operating voltage and to communicate with the control information (See figure 1 and 10, and col. 7, lines 5-24).

Therefore, given that it is known within the art of mobile communication to arrange such a device with the smart card (data card) in the manner in which Amtmann describes, then it would have been obvious

to one of ordinary skill in the art, at the time the invention was made to improve upon the processing device as taught by Benson by adapting the processing device so that its communication means would produce high frequency signal which would be used by the data carrier to generate power and to communicate with the control information as taught by Amtmann because it would give Benson processing device the advantage that the data carrier would also be arranged to transmit an encoded data signal which is contained in a modulated carrier signal and contains data which has been encoded in conformity with one of at least two different encoding methods (col. 4 lines 10-14)

6. Claim 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson (European Patent No. 0785634) in view of Haffenden (U.S. Patent No. 6226189).

Benson teaches the claimed invention, i.e., a processing device, as noted above, for the processing of an information signal, the device having a housing and having first communication means for receiving and/or transmitting the information signal, and having processing means for the processing of the information signal received and/or to be transmitted, and having second communication means for the contactless retrieval of control information stored in a data carrier (Subscriber Identification Module) which is detachably connected to the housing of the

processing device in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information (figs. 1-4, col. 5, lines 47-50 and col. 10, lines 7-8 and col. 8, line 8 and col. 9, line 14).

Although Benson teaches a processing device and the characteristics mentioned above, Benson does not specifically teach of a processing device, in which the housing of such processing device has recess, in which the data carrier can be connected detachably to the housing.

However, Haffenden discloses that it is very well known within the art of mobile communication to have a data card housing comprising of a recess where the open recess permits a force to be applied to the major face of the card to slide the card in an opposing direction for removal of the card from the housing (see col. 7, lines 13 and 31-34).

Therefore, given that it is known within the art of mobile communication to arrange the smart card (data card) in the manner in which Haffenden describes, then it would have been obvious to one of ordinary skill in the art, at the time the invention was made to implement in the invention with other communication applications including those, which are designed in accordance with other standards (GSM, UMTS) and to improve upon the processing device as taught by Benson by adding a recess to the housing of the processing device, in which recess the data

carrier can be connected detachably to the housing because it would simplify, in the housing of Benson processing device, insertion and removable of the data card (see col. 2, lines 50-51).

7. Claim 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson (European Patent No. 0785634) in view of Raith (U.S. Patent No. 6510515).

Benson teaches the claimed invention, i.e., a processing device, as noted above, for the processing of an information signal, the device having a housing and having first communication means for receiving and/or transmitting the information signal, and having processing means for the processing of the information signal received and/or to be transmitted, and having second communication means for the contactless retrieval of control information stored in a data carrier (Subscriber Identification Module) which is detachably connected to the housing of the processing device in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information (figs. 1-4, col. 5, lines 47-50 and col. 10, lines 7-8 and col. 8, line 8 and col. 9, line 14).

Although Benson teaches a processing device and the characteristics mentioned above, Benson does not specifically teach of a processing device, in which the first communication means are adapted to

receive encrypted information signal and where its processing means are adapted to decrypt the received encrypted information signal nor does he disclose a processing device with a memory means for storing control information.

However, Raith discloses that it is very well known within the art of mobile communication to have a processing device (mobile station) comprising of a receiver for receiving encrypted broadcast information and for receiving a current service key usable to decrypt said encrypted information; an encryption derivation device for deriving the encryption of the current service key according to information received wirelessly by the receiver; a memory device for storing said current service key; and an output device for outputting said information upon decryption of said encrypted information by said current service key (see fig. 5-7 and col. 21, lines 23-36).

Therefore, given that it is known within the art of mobile communication to have a processing device (mobile station) in the manner in which Raith describes, then it would have been obvious to one of ordinary skill in the art, at the time the invention was made to implement the invention with other communication applications including those, which are designed in accordance with ISO 14443 standards, and to improve upon the processing device as taught by Benson by making the processing device enable for the reproduction of an encrypted information signal and adapt to receive the encrypted information signal and to

decrypt the received encrypted information signal, and in which the control information retrieved from the data carrier includes key information for decrypting the received encrypted information signal because it would allow only eligible users to be able to receive services, and make it simple and fast to enable or disable service for a particular user.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is 703-605-4312. The examiner can normally be reached on 0800-1630.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEAN GELIN
PRIMARY EXAMINER

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8/05/04

Jean Allard Gelin